

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB290)

Received: **10/28/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing: **Jay Wadd**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**
jay.wadd@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

DRL suggestions plus permit fee and additional inspectors

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 10/28/2009	nmatzke 10/28/2009		_____ _____			
/1			rschluet 10/28/2009	_____ _____	lparisi 10/28/2009	lparisi 10/28/2009	

FE Sent For:

<END>

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1/?	csundber	/1 nwn 10/28		 <END>			

FE Sent For:

Jay/Hansen

LRB 0158/4 has been introduced. Prepare new
emb. based on LRB 0158/4, plus:

1. \$300 non-refundable permit fee.
2. Add'l inspectors/ \$250 per email.

Sundberg, Christopher

From: Wadd, Jay
Sent: Wednesday, October 28, 2009 10:15 AM
To: Sundberg, Christopher
Subject: RE: MMA Bill--simple Amendment

Yes.

-----Original Message-----

From: Sundberg, Christopher
Sent: Wednesday, October 28, 2009 9:47 AM
To: Wadd, Jay
Subject: RE: MMA Bill--simple Amendment

So the amendment should say something to the effect that the department may require a promoter or club to pay the cost of designating additional inspectors, who may include a referee or judge, for an event and may require a promoter or club to pay the department an amount not to exceed \$250 for each additional inspector designated by the department?

And that should go on page 5, lines 11-14 of LRBs0158/4, replacing the underlined text beginning after the word "duties"?

-----Original Message-----

From: Wadd, Jay
Sent: Wednesday, October 28, 2009 9:31 AM
To: Sundberg, Christopher
Subject: MMA Bill--simple Amendment

Chris,

Please see Hector's comments below. I must have missed that in my instructions to you.

Would you please draft a simple amendment to the sub that takes into account Hector's comments below?

Thanks.

-----Original Message-----

From: Colon, Hector - DRL [mailto:Hector.Colon@wisconsin.gov]
Sent: Wednesday, October 28, 2009 9:01 AM
To: 'ezeppos@zeppos.com'
Cc: Wadd, Jay; Janssen, Andy
Subject: RE: Final Change--Effective Date

I haven't thoroughly looked over the whole bill but one amendment that did not get it correctly, per our agreement, was the inspector section where we wanted to pay 250 that would be charged back to the promoters if the department did not have the resources to do any given show over a weekend.

It says the Department may designate a referee or judge to perform the duties of an inspector under this section. A referee or judge designated by the department to perform the duties of an inspector shall be entitled to the per diem set by the department for inspectors. Again this is where we agreed that this would be charged to the promoters. We also don't want to limit these inspectors to just referees and judges. Early you have that inspectors (general) will be paid 25 dollars. These two should be put together so any inspector referee, judge or other would be paid 250 charged to the promoter.

I'll look over the rest of the bill and get back to you later. Thanks.

Héctor Colón
Executive Assistant/Legislative Liaison
Office of the Secretary

1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Phone: 608-266-8608
Fax: 608-261-2381

-----Original Message-----

From: Evan Zeppos [mailto:ezeppos@zeppos.com]
Sent: Tuesday, October 27, 2009 2:14 PM
To: Colon, Hector - DRL
Cc: Wadd, Jay - LEGIS; Janssen, Andy - LEGIS
Subject: RE: Final Change--Effective Date

Can we now say the Department supports the bill?

ez

-----Original Message-----

From: Colon, Hector - DRL [mailto:Hector.Colon@wisconsin.gov]
Sent: Tuesday, October 27, 2009 12:58 PM
To: Wadd, Jay - LEGIS; 'ezeppos@zeppos.com'; Janssen, Andy - LEGIS
Subject: Re: Final Change--Effective Date

Can you please provide me with a copy of the revised bill when you have it.

Thanks -----Original Message-----

From: Wadd, Jay
To: Colon, Hector - DRL
To: ezeppos@zeppos.com
To: Janssen, Andy - LEGIS
Sent: Oct 27, 2009 12:38 PM
Subject: RE: Final Change--Effective Date

Yes. 6 months to work on emergency rules before the bill becomes law and then 7 more on top of that to promulgate permanent rules.

From: Colon, Hector - DRL [mailto:Hector.Colon@wisconsin.gov]
Sent: Tuesday, October 27, 2009 12:35 PM
To: Wadd, Jay; ezeppos@zeppos.com; Janssen, Andy
Subject: RE: Final Change--Effective Date

Thanks Jay. We appreciate your willingness to do this.

Just so I'm clear, we will have 6 months for emergency rules than an additional 7 months after the 6 months to do permanent rules?

Héctor Colón
Executive Assistant/Legislative Liaison
Office of the Secretary
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Phone: 608-266-8608
Fax: 608-261-2381

From: Wadd, Jay [mailto:Jay.Wadd@legis.wisconsin.gov]
Sent: Tuesday, October 27, 2009 12:25 PM
To: ezeppos@zeppos.com; Janssen, Andy - LEGIS; Colon, Hector - DRL
Subject: Final Change--Effective Date

In response to Hector's concerns we are changing the effective date of the bill to six months from date of publication to give DRL time to work out emergency rules. We are also changing the deadline for regular rules to be submitted to Leg Council by the seventh month of the bill becoming law.

I'm hoping everyone is in agreement with that. It still holds to the 13 months we all agreed to in our last meeting. And there is NO more time for any additional changes at this point.

Once I receive the amendment we're submitting it to Sen. Coggs for the exec on Thursday.



[NOW]

State of Wisconsin
2009 - 2010 LEGISLATURE

50179/1
LRBs 015874
CTS:nwn:md RMNR

SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 290

October 27, 2009 – Offered by Senator HANSEN.

Regen.

1 **AN ACT** *to repeal* 444.09 (8); *to amend* chapter 444 (title), 444.01 (1), 444.01 (2),
2 444.02, 444.03, 444.04, 444.06, 444.09 (title), 444.09 (1), 444.09 (3), 444.09 (6),
3 444.10 (title), 444.11, 444.12, 444.13, 444.14, 444.15 and 444.18; and **to create**
4 20.165 (1) (im), 444.01 (1m), 444.02 (3) (a), 444.02 (3) (b), 444.02 (3) (c), 444.035,
5 444.09 (9) and 444.095 of the statutes; **relating to:** changes in the regulation
6 of boxing contests, regulating mixed martial arts fighting contests, granting
7 rule-making authority, making an appropriation, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1.** 20.165 (1) (im) of the statutes is created to read:
9 20.165 (1) (im) *Boxing and mixed martial arts fighting; enforcement.* Fifty
10 percent of all moneys received in forfeitures imposed under s. 444.14, for
11 enforcement of ch. 444.
12 **SECTION 2.** Chapter 444 (title) of the statutes is amended to read:

**REGULATION OF BOXING AND
MIXED MARTIAL ARTS FIGHTING**

SECTION 3. 444.01 (1) of the statutes is amended to read:

444.01 (1) “Amateur ~~boxing~~ contest” means a boxing or mixed martial arts fighting contest or exhibition in which none of the boxers or fighters are compensated for participating in the contest or exhibition.

SECTION 4. 444.01 (1m) of the statutes is created to read:

444.01 (1m) “Physician” means a person licensed to practice medicine and surgery under s. 448.04 (1) (a).

SECTION 5. 444.01 (2) of the statutes is amended to read:

444.01 (2) “Professional ~~boxing~~ contest” means a boxing or mixed martial arts fighting contest or exhibition in which one or more of the boxers or fighters is compensated for participating in the contest or exhibition.

SECTION 6. 444.02 of the statutes is amended to read:

444.02 ~~Boxing licenses, Licenses and permits.~~ (1) The department shall have the sole direction, management, and control of, and jurisdiction over, all professional ~~boxing~~ contests and all amateur mixed martial arts fighting contests conducted within the state by any promoter or club. ~~No club or promoter may conduct professional boxing contests may be conducted or amateur mixed martial arts fighting contests~~ within the state except under authority granted by the department and in accordance with this chapter and the rules of the department.

(2) The department may issue, and for cause limit, suspend, or revoke, a license to conduct professional ~~boxing~~ contests or amateur mixed martial arts fighting contests to any promoter or incorporated club formed as provided in this chapter. Every license shall be subject to the department’s rules and regulations. The

*strike**INS 3-8*

department may limit the number of professional ~~boxing~~ contests given by any promoter or club in any city, village, or town and may reprimand a promoter or club for violating this chapter or any rule of the department.

(3) No professional boxing contest may be conducted by any licensed club without a permit from the department. ~~Every license shall be subject to such rules and regulations as the department prescribes. The department may reprimand clubs for violating this chapter or any rules of the department.~~ Every permit shall be conditioned on payment by the promoter or club to the department, within 2 business days after the event for which the permit was issued, of the following fees:

SECTION 7. 444.02 (3) (a) of the statutes is created to read:

444.02 **(3)** (a) If the number of tickets sold for the event is less than 2,000, an event fee of \$450. *or amateur mixed martial arts Fighting contest*

SECTION 8. 444.02 (3) (b) of the statutes is created to read:

444.02 **(3)** (b) If the number of tickets sold for the event is less than 5,000 but more than 1,999, an event fee of \$2,200 plus a gate fee equal to the lesser of 5 percent of the total amount collected by the club or promoter in gross ticket sales or \$4,000.

SECTION 9. 444.02 (3) (c) of the statutes is created to read:

444.02 **(3)** (c) If the number of tickets sold for the event is 5,000 or more, an event fee of \$4,700 plus a gate fee equal to the lesser of 5 percent of the total amount collected by the club or promoter in gross ticket sales or \$12,500.

SECTION 10. 444.03 of the statutes is amended to read:

444.03 Application for license; fee. No professional ~~boxing~~ contest or amateur mixed martial arts fighting contest may be conducted by any promoter or club except by license granted to it by the department, ~~and no club may be licensed unless it is incorporated under the laws of Wisconsin and its membership is limited~~

1 to persons who have been continuous residents in the state for at least one year. An
2 application for a license shall be in writing, addressed to the department, and
3 verified by the promoter or by an officer of the club. An application shall be
4 accompanied by an annual fee of \$25 in cities, villages, and towns of not more than
5 50,000 inhabitants, \$50 in cities of over 50,000 and not more than 150,000
6 inhabitants, and \$300 in cities of over 150,000 inhabitants when the admission is
7 over \$1 and \$50 when the admission charge is \$1 or less \$500. The application must
8 show that the promoter or club has entered into a valid agreement for the use of the
9 building, amphitheater, or stadium in which contests are to be held.

10 **SECTION 11.** 444.035 of the statutes is created to read:

11 **444.035 Bond.** The department shall by rule require a promoter or club
12 conducting a professional contest or amateur mixed martial arts fighting contest to
13 post a bond or other surety in a reasonable amount determined by the department
14 to ensure payment of the promoter's or club's expenses in conducting the contest,
15 including payments to contestants and to the department.

16 **SECTION 12.** 444.04 of the statutes is amended to read:

17 **444.04 Club Promoter and club reports.** Within 24 hours 2 business days
18 after a promoter or club holds a professional boxing contest or amateur mixed
19 martial arts fighting contest, the club shall furnish to the department a written
20 report, verified by the promoter or by one of its the club's officers under penalty of
21 perjury, showing the number of tickets sold for the contest, the amount of gross
22 proceeds, and all other information the department requires by rule to be included
23 in the report.

24 **SECTION 13.** 444.06 of the statutes is amended to read:

1 **444.06 Inspectors.** The department shall appoint official "inspectors," each
2 of whom shall receive a card authorizing the inspector to act wherever the
3 department designates. The department may be, and at least one inspector shall be
4 present at all professional boxing contests and all amateur mixed martial arts
5 fighting contests and see that the rules are strictly observed. ~~An inspector shall also~~
6 ~~be present at the counting up of the gross receipts and shall immediately mail to the~~
7 ~~department the official box-office statement received from the club.~~ Inspectors shall
8 be paid a per diem to be set by the department, not to exceed \$25 for each day on
9 which they are actually and necessarily engaged in the performance of their duties,
10 and shall be reimbursed for their actual and necessary expenses incurred in the
11 performance of their duties. The department may designate a referee or judge to
12 perform the duties of an inspector under this section. A referee or judge designated
13 by the department to perform the duties of an inspector shall be entitled to the per
14 diem set by the department for inspectors.

15 **SECTION 14.** 444.09 (title) of the statutes is amended to read:

16 **444.09 (title) Conduct of boxing contests regulated.**

17 **SECTION 15.** 444.09 (1) of the statutes is amended to read:

18 **444.09 (1)** No professional boxing contest shall be for more than 40 12 rounds
19 ~~except that where a championship is to be determined, the contest shall not be for~~
20 ~~more than 15 rounds,~~ and no round shall last more than 3 minutes.

21 **SECTION 16.** 444.09 (3) of the statutes is amended to read:

22 **444.09 (3)** Gloves weighing not less than 5 8 ounces shall be worn by
23 contestants who are in professional boxing contests and who weigh under 140
24 pounds, and not less than 6 ounces by other contestants in boxing contests.

25 **SECTION 17.** 444.09 (6) of the statutes is amended to read:

1 444.09 (6) Contestants in professional boxing contests shall break clean, and
2 must not hold and hit. Butting with head or shoulders, wrestling, or illegal use of
3 elbows shall not be allowed by contestants in professional boxing contests. There
4 shall be no unsportsmanlike conduct on the part of the contestants. This includes
5 the use of abusive or insulting language.

6 **SECTION 18.** 444.09 (8) of the statutes is repealed.

7 **SECTION 19.** 444.09 (9) of the statutes is created to read:

8 444.09 (9) Except as otherwise specified in this chapter, boxing contests shall
9 be conducted under the Association of Boxing Commissions' uniform boxing rules.

10 **SECTION 20.** 444.095 of the statutes is created to read:

11 **444.095 Conduct of mixed martial arts fighting contests regulated. (1)**

12 No individual may be a contestant in an amateur mixed martial arts fighting contest
13 unless the individual can provide evidence that he or she is covered by adequate
14 health insurance.

15 **(2)** No promoter or club may conduct a mixed martial arts fighting contest
16 unless all of the following apply:

17 (a) There is present at least one referee who is licensed by the department and
18 at least 4 judges who are licensed by the department.

19 (b) A physician examines each contestant immediately before and after each
20 match in which the contestant participates.

21 (c) A physician is present during each match to provide emergency care in the
22 event of an injury.

23 (d) An ambulance and emergency medical services personnel with oxygen are
24 present on the premises and equipped to transport an injured contestant.

1 **(3)** The department shall promulgate rules that establish all of the following
2 with respect to mixed martial arts fighting contests:

3 (a) Qualifications and fees for licensure of referees and judges for mixed martial
4 arts fighting contests.

5 (b) Requirements for regular health examinations of mixed martial arts
6 fighting contestants, including all of the following:

7 1. Annual physical examinations by physicians and annual eye examinations
8 by physicians who are board–certified ophthalmologists.

9 2. Annual screening for HIV, hepatitis B, and hepatitis C.

10 3. For female contestants, pregnancy tests before contests.

11 (c) Policies prohibiting contestants from using drugs, including anabolic
12 steroids, and mandating drug testing of contestants.

13 **(4)** Except as otherwise specified in this chapter, mixed martial arts fighting
14 contests shall be conducted under the Association of Boxing Commissions' uniform
15 rules of mixed martial arts.

16 **SECTION 21.** 444.10 (title) of the statutes is amended to read:

17 **444.10 Physician to examine professional boxing contestants.**

18 **SECTION 22.** 444.11 of the statutes is amended to read:

19 **444.11 Licenses to matchmakers, referees, ~~boxers~~ contestants, etc.** The
20 department may grant licenses upon application and the payment of the prescribed
21 fees to matchmakers, managers, referees, examining physicians, boxers, mixed
22 martial art fighters, seconds, and trainers in professional ~~boxing~~ contests and
23 amateur mixed martial arts fighting contests. The fees to be paid per year shall be:
24 Matchmakers in cities with a population of over 150,000, \$25; ~~matchmakers in other~~
25 ~~cities and in villages and towns, \$10; and~~ managers, \$10; referees, \$15; examining

1 physicians, \$10; boxers, ~~\$5, \$40 and mixed martial arts fighters~~; seconds, ~~\$40~~; and
2 ~~trainers~~ timekeepers, \$5. The department may limit, suspend, or revoke any such
3 license granted under this section or reprimand the ~~holder thereof~~ licensee upon
4 such cause as it deems sufficient.

5 **SECTION 23.** 444.12 of the statutes is amended to read:

6 **444.12 Referee to stop contest.** The referee must stop a professional ~~boxing~~
7 contest or amateur mixed martial arts fighting contest when either of the
8 contestants shows a marked superiority or is apparently outclassed. The referee
9 shall be the sole arbiter of the contest and may consult the physician identified in s.
10 444.095 (2) (c) during the contest.

11 **SECTION 24.** 444.13 of the statutes is amended to read:

12 **444.13 Sham contests, license revoked.** Any promoter or club that
13 conducts, holds, gives, or participates in any sham or fake professional ~~boxing~~
14 contest or amateur mixed martial arts fighting contest shall forfeit its license. That
15 license shall be revoked by the department, and the promoter or club shall not be
16 entitled to another license, ~~nor shall any license be issued to any club that has a~~
17 ~~member who belonged to a club that had its license revoked.~~

18 **SECTION 25.** 444.14 of the statutes is amended to read:

19 **444.14 Sham contests; contestants penalized; forfeitures; hearing.** Any
20 The department shall ban a contestant who participates in any sham or fake
21 professional ~~boxing~~ contest or amateur mixed martial arts fighting contest or
22 violates any rule ~~or regulation of~~ promulgated by the department ~~shall be penalized~~
23 ~~as follows: For the first offense the contestant shall be restrained by order of the~~
24 ~~department for not less than 2 months nor more than one year, the period to begin~~
25 ~~immediately after the occurrence of the offense, from participation in the contest to~~

1 ~~be held or given by any licensed club; for a 2nd offense, the contestant shall be~~
2 ~~permanently disqualified from further admission or participation in any such~~
3 ~~contest held or given by any licensed club and in addition, for each such offense, shall~~
4 ~~forfeit such amount, out of the share or purse agreed to be paid the contestant for the~~
5 ~~contest as the department determines, the forfeit to be paid into the general fund of~~
6 ~~the state. The department, upon determining the amount of the forfeit, may pay the~~
7 ~~same out of any guarantee deposited with it for delivery to the contestant or may~~
8 ~~order it paid to the department by the club employing the contestant out of the purse~~
9 ~~or share agreed by it to be paid to the contestant. The department shall not~~
10 ~~determine the forfeit until after due hearing held upon reasonable notice duly served~~
11 ~~upon, and may require the contestant or, the contestant's manager and upon the club~~
12 ~~by whom the contestant is employed. Any member of the department or the secretary~~
13 ~~or any inspector of the department may order the club to hold the share or purse of~~
14 ~~the contestant in its possession pending the hearing and determination of the~~
15 ~~department. For failure to obey any order of the department or the secretary of the~~
16 ~~department or any inspector of the department given under this section, the license~~
17 ~~of the club may be limited, suspended, canceled, or revoked, and the club may be~~
18 ~~reprimanded, or the promoter of the contest to forfeit an amount determined by the~~
19 ~~department, but not more than \$500. Fifty percent of all forfeitures collected under~~
20 ~~this section shall be deposited in the appropriation account under s. 20.165 (1) (im).~~

21 **SECTION 26.** 444.15 of the statutes is amended to read:

22 **444.15 Reports; examination of books and officers.** Whenever any
23 promoter or club fails to make a report of any professional boxing contest or amateur
24 mixed martial arts fighting contest at the time prescribed or whenever a report is
25 unsatisfactory to the department, the secretary of the department may examine the

1 books and records of the promoter or club and, may subpoena and examine, under
2 oath, the promoter or the club's officers and other witnesses to determine the total
3 amount of its gross receipts for any contest, and may hire an independent auditor to
4 assist in making the determination. The secretary may require the promoter or club
5 to pay the expenses of conducting the examination or the independent auditor's fee.
6 If a promoter or club fails to pay the amount of expenses determined by the secretary
7 to be due within 20 days after receiving notice of the amount, the promoter or club
8 shall forfeit its license, be disqualified from receiving any license under this chapter,
9 and forfeit to the state the sum of \$1,000, which may be recovered by the department
10 of justice in the name of the state.

11 **SECTION 27.** 444.18 of the statutes is amended to read:

12 **444.18 Insurance on ~~boxers~~ certain contestants.** Any licensee authorized
13 to conduct professional ~~boxing~~ contests or amateur mixed martial arts fighting
14 contests shall insure each contestant participating for hospital, nursing, and
15 medication expenses and physician's and surgeon's services according to an
16 equitable fee schedule, not to exceed in the aggregate ~~\$500~~ \$25,000, to be paid to, or
17 for the use of, any contestant to compensate for injuries sustained in any such
18 contest; and shall insure each contestant for not less than ~~\$2,500~~ \$25,000 to be paid
19 to the contestant's estate in the event of the contestant's death as the result of
20 participation in such professional ~~boxing~~ contest or amateur mixed martial arts
21 fighting contest.

22 **SECTION 28. Nonstatutory provisions.**

23 (1) The department of regulation and licensing shall submit in proposed form
24 the rule required under section 444.035 of the statutes, as created by this act, to the

1 legislative council staff under section 227.15 (1) of the statutes no later than than the
2 first day of the 6th month beginning after the effective date of this subsection.

3 (2) Using the procedure under section 227.24 of the statutes, the department
4 of regulation and licensing shall promulgate the rule required under section 444.035
5 of the statutes, as created by this act, for the period before the effective date of the
6 rule submitted under subsection (1), but not to exceed the period authorized under
7 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
8 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
9 promulgating a rule under this subsection as an emergency rule is necessary for the
10 preservation of the public peace, health, safety, or welfare and is not required to
11 provide a finding of emergency for a rule promulgated under this subsection.

12 (3) The authorized FTE positions for the department of regulation and
13 licensing are increased by 3.0 PR positions, to be funded from the appropriation
14 under section 20.165 (1) (g) of the statutes, for the purpose of providing increased
15 staff for the administration of chapter 444 of the statutes, as affected by this act.

16 **SECTION 29. Effective date.**

17 (1) This act takes effect on the first day of the 7th month beginning after
18 publication.

19 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0179/lins
CTS:.....

Insert 3-8:

An application for a permit shall be accompanied by a nonrefundable \$300 processing fee.✓

Insert 5-11:

The department may require a promoter or club to pay the cost of designating additional inspectors, who may include a referee or judge performing the duties of an inspector, for an event. The department may require a promoter or club to pay the department an amount not to exceed \$250 for each additional inspector designated by the department.✓